

NAME
ADDRESS

Dear Sir or Madam:

I am writing to you on behalf of Import Administration, a unit of the United States Department of Commerce. On **[insert date]**, we initiated an administrative review of the antidumping duty order on **[insert product name]** in order to determine whether merchandise imported into the United States that you are believed to produce and/or export is being sold at dumped prices. Dumping occurs when imported merchandise is sold in, or for export to, the United States at less than the normal value of the merchandise; *i.e.*, the United States price is less than the price at which identical or similar merchandise is sold in a foreign market (usually the home market of the producer and/or exporter merchandise), or less than the constructed value of the merchandise. The product covered by this review is **[insert short name of product]** from **[insert country]**. We are examining sales, entries or shipments during the period **[insert period of review dates]**. We initiated the review based on a request filed by **[insert name(s); if request filed by petitioners, also insert: "on behalf of the United States industry producing the merchandise under review."]**

We are soliciting the information requested in the enclosed questionnaire to determine whether subject merchandise that you produced and/or exported was in fact sold in, or to, the United States at dumped prices. General instructions for responding to the questionnaire follow immediately after the table of contents. We have divided the questionnaire itself into five sections, A through E, and attached supplemental information, including a glossary of terms, in Appendices I through V. Please review the contents page and ensure that you have received all the sections of the questionnaire. If you have not received the entire questionnaire, please contact the official in charge immediately.

All parties are requested to respond to sections A (General Information), B (Sales in the Home Market or to Third Countries), and C (Sales to the United States). If, after examining sections A and C of the questionnaire, you conclude that your company and its affiliates did not have any U.S. sales or shipments during the review period identified above, please submit a statement to that effect, following the data submission requirements specified in the general instructions. If you do not submit such a statement for the administrative record in this case, we may conclude that your company has not been responsive to this questionnaire and may proceed on the basis of the facts otherwise available, as defined in the glossary at Appendix I of the attached questionnaire.

[Use these sentences if we disregarded any below-cost sales in the most recently completed review or investigation of this company: In accordance with section 773(b)(2)(A)(ii) of the Act, because we determined to disregard sales by your company that were below the cost of production in the investigation [if this is the first administrative review conducted for this

company] or the most recently completed administrative review of your company, you are requested to respond at this time to section D of the questionnaire.] **[Use these sentences if a cost of production inquiry has not been initiated:** You are not currently required to respond to section D (Cost of Production/Constructed Value). However, if the petitioner alleges that your sales in the home or third country market are at prices below the cost of production, we may request that you respond to section D at a later date. Additionally, you are requested to respond to the constructed value portion of section D with respect to products or models sold in the United States for which you had no sales of comparable merchandise in the home or third country market. If you believe that you might need to respond to section D, please contact the official in charge noted on the cover sheet to the questionnaire.]

If any of the products covered by this review underwent additional processing in the United States before they were delivered to customers unaffiliated with your company, you are in general required to respond to section E (Cost of Further Manufacturing or Assembly Performed in the United States). However, if you believe the value added in the United States exceeds substantially the value of the merchandise imported into the United States (*i.e.*, the value added in the United States represents at least 65 percent of the price of the merchandise charged to the first customers unaffiliated with your company), please contact the official in charge in writing immediately.

Please refer to the cover page and general instructions of the enclosed questionnaire for the time period covered by this review, the due dates for responding to the questionnaire, and the instructions for filing the response. Remember that delivery of electronic media is to be made only to the Central Records Unit, Room 1870 of the main Commerce building. Also, please keep in mind that questionnaire responses must be received by the Central Records Unit before 5 p.m. on the day of the applicable deadline. If you have any questions about these or any other matters, please contact the official in charge.

If you are unable to respond to this questionnaire within the specified time limits, you must formally request an extension of time in writing before the due date. We will attempt to accommodate any difficulties that you encounter in answering this questionnaire. However, that accommodation cannot conflict with our obligation to conduct the review within the deadlines and informational requirements established by United States law.

Sincerely,

XXXXXX

**UNITED STATES DEPARTMENT OF COMMERCE
IMPORT ADMINISTRATION
OFFICE OF ANTIDUMPING AND
COUNTERVAILING DUTY ENFORCEMENT**

REQUEST FOR INFORMATION

(NAME of RESPONDENT)

(COUNTRY)

(PRODUCT)

PERIOD OF REVIEW: *(period)*

RESPONSE DUE DATE: *(specify by section)*

OFFICIAL IN CHARGE:

For Department use only. This box should be deleted before sending the questionnaire to respondents. List two names here, the program manager and the lead analyst.

PHONE: (202) 482-

FAX: (202) 482-

INTERNET:

PHONE: (202) 482-

FAX: (202) 482-

INTERNET:

Return the Questionnaire Response to:

**Office of AD/CVD Enforcement
Import Administration
U.S. Department of Commerce
Fourteenth Street and Constitution Avenue, N.W.
Room 1870
Washington, D.C. 20230**

Import Administration Website: <http://ia.ita.doc.gov>

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- Section A Organization, Accounting Practices, Markets and Merchandise
- Section B Sales in the Home Market or to a Third Country
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Appendix I Glossary of Terms

Appendix II Instructions for Submitting Computer Tapes and Diskettes

Appendix III Description of Products Under Review

Appendix IV Forms for Company Official Certification and Certificate of Service

Appendix V Case-Specific Questions and Modifications, Including Matching Criteria

GENERAL INSTRUCTIONS

This questionnaire requests information to enable the United States Department of Commerce (the "Department") to determine whether your company dumped the **subject merchandise** in the United States.¹ **Dumping** is the sale of merchandise to the United States at prices below the **normal value** of the merchandise. If you have questions, we urge you to consult with the **official in charge** named on the cover page. If for any reason you do not believe that you can complete the response to the questionnaire by the date specified on the cover page of this questionnaire, or in the form requested, you should contact the official in charge immediately. you must formally request an extension of time in writing. Any extension will be approved in writing; otherwise the original deadlines will apply.

Your response to the questionnaire should include all of the information requested. It is essential and in your interest that the Department receive complete information early in the proceeding to ensure a thorough and accurate analysis and to provide all parties the fullest opportunity to review and comment on your submission and the Department's analysis. We appreciate your cooperation in this review.

This review will be conducted on a schedule dictated by law. If you fail to provide accurately the information requested within the time provided, the Department may be required to base its findings on the **facts available**. If you fail to cooperate with the Department by not acting to the best of your ability to comply with a request for information, the Department may use information that is adverse to your interest in conducting its analysis.

This questionnaire consists of the following sections:

Section A requests information about your organization and accounting practices, and general information regarding sales of the merchandise under review.

Section B requests information about your **home market**, or where appropriate, a **third-**

¹ In each section of the questionnaire, the first use of each term included in the Glossary of Terms at Appendix I is shown in bold type face.

country market,² including a sales list and other information necessary for us to calculate the normal value of the merchandise.

Section C requests information about the United States market, including a sales list and other data necessary to calculate the price in or to the United States market.

² Hereafter referred to as your **foreign market**.

Section D requests information about the **cost of production** of merchandise sold in the foreign market and the **constructed value** of merchandise sold in or to the United States, section which may be required in connection with the calculation of normal value.³

Section E requests information about further manufacturing or assembly in the United States prior to delivery to **unaffiliated** United States customers.

Please comply with the following general instructions for filing and preparing your response to this questionnaire.

I. Instructions for Filing the Response

The following instructions apply not only to your questionnaire response but to all documents you submit to the Department during the course of this proceeding.

1. File your response in Washington, D.C., at the address listed on the cover of the questionnaire.
2. **Proprietary versions** of the response should be submitted on the day specified on the cover of the questionnaire. The **public version** of the response may be filed one business day after the proprietary version.
3. File the original and six copies of the proprietary version. However, if you file an electronic copy of the proprietary version in Word Perfect or Microsoft Word format, you need file only the original version and four copies. In case of any difference between the narrative response and the content of the electronic media, the narrative response is the controlling version. For either alternative, only one copy of sample printouts and electronic media containing sales files and cost files need be submitted. (Appendix II contains instructions for filing electronic media.)

File the original and three copies of the public version of your narrative response and attachments, including sample printouts.

4. Submit the required **certification of accuracy**. Providers of information and the person(s) submitting it, if different (*e.g.*, a legal representative), must certify that they have read the submission and that the information submitted is accurate and

³ If you are required to complete section D, it will be specified in the cover letter.

complete. The Department cannot accept questionnaire responses that do not contain the certification statements. A form for such certification is included at Appendix IV of this questionnaire. You may photocopy this form and submit a completed copy with each of your submissions.

5. Provide the required **certificate of service** with each proprietary version and public version submitted to the Department.
6. Request **proprietary treatment** for information submitted that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.⁴ If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304, 351.305, and 351.306 of the Department's **regulations**. Submit the request for proprietary treatment no later than one business day following the submission of the proprietary version of the questionnaire response accompanied by:
 - (1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,⁵ and/or
 - (2) an itemization of particular information that you believe you are unable to summarize. State the reasons why you cannot summarize each piece of information.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

7. Submit the statements required regarding limited release of proprietary information under the provisions of an **administrative protective order** ("APO"). U.S. law permits limited disclosure to representatives of parties (*e.g.*, legal counsel) of certain business proprietary information, including electronic business proprietary information, under an APO. (Note that data received under an APO cannot be shared with others who are not covered by the APO.) Under the provisions governing APO disclosure, you must submit either:

⁴ Supplier names will not be considered proprietary information in situations where the Department has excluded the exporter from the antidumping duty order. Exclusions of non-producing exporters will be granted only to exporter/supplier combinations.

⁵ Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.

- (1) a statement agreeing to permit the release under APO of information submitted by you in confidence during the course of the proceeding, or
- (2) a statement itemizing those portions of the information which you believe should not be released under APO, together with arguments supporting your objections to that release.

We are required by our regulations to reject, at the time of filing, submissions of business proprietary information that do not contain one of these statements. You must state in the upper right-hand corner of the cover letter accompanying your questionnaire response whether you agree or object to release of the submitted information under APO. (See section 351.304 of our regulations for specific instructions.)⁶

8. Place brackets (“[]”) around information for which you request business proprietary treatment. Place double brackets (“[[]]”) around information for which you request proprietary treatment and which you do not agree to release under APO.
9. Provide to all parties whose representatives have been granted an APO (as listed in the cover letter to the questionnaire or as listed in a subsequent letter from the Department) a complete copy of the submission, proprietary and public versions, except for that information which you do not agree to release under APO. If you exclude information because you do not agree to release it under APO, submit with your response to the Department a certificate of service and a copy of the APO version of the document containing the information that you agree may be released under APO. For parties that do not have access to information under APO, please provide a public version only.

II. Instructions for Preparing the Response

1. Prepare your response in typed form and in English. Include an original and translated version of all pertinent portions of non-English language documents that accompany your response, including the financial statements. If this is impractical for certain of the documents, please contact the official in charge.
2. Repeat the question to which you are responding in your narrative submission and

⁶ If you do not agree to release under APO all or part of the proprietary information, but we determine that the information should be released, you will have the opportunity to withdraw the information (see section 351.304(d) of our regulations). However, any information which you withdraw will be taken out of the official record and will not be used in our determination.

place your answer directly below it. To assist you, we have provided a copy of the questionnaire on diskette in Word Perfect.

3. Refer to the instructions at Appendix II for information requested in electronic form (*i.e.*, sales lists and cost of production data).
4. Include all worksheets, financial reports and other requested documents as appendices to your response.
5. Report the **price adjustments** you made and expenses you actually incurred in making each sale reported in the computer data files requested in sections B and C of this questionnaire. Use allocations (*e.g.*, averages) only for price adjustments or expenses that cannot be tied to a specific sale (*e.g.*, indirect selling expenses).

In cases where reporting price adjustments or expenses on the same basis as they were granted or incurred (on a specific transaction or otherwise) would create a significant burden, the Department will accept allocated expenses if you can demonstrate that the allocation is calculated on as specific a basis as is feasible (*e.g.*, on a customer-specific basis, product-specific basis, and/or monthly-specific basis, etc.) and is not unreasonably distortive. In doing so, provide a complete explanation of (1) how the price adjustments or expenses are recorded in your records; (2) why you cannot report the price adjustment or expense on a more specific basis using your records; and (3) why your allocation methodology does not cause inaccuracies or distortions. For example, if you must allocate an expense between subject and non-subject merchandise and you perform the allocation on the basis of sales value, show that subject and non-subject merchandise incur or should bear the expense in such proportions. Explain how you allocated each price adjustment or expense to the products under review and include the allocation formula and supporting worksheets in your response.

6. Please note that you are required to establish the nature and amount of a particular adjustment. If this is not done, the Department may determine not to accept the adjustment as claimed. Include in your response all the information necessary for the Department to evaluate the nature of the adjustment and the methodology used for the adjustment. Explain whether expenses are tied directly or indirectly to your sales of the subject merchandise. Please refer to the Glossary of Terms (Appendix I) for a definition of **direct** and **indirect expenses**.
7. Report all expenses and revenues in the currencies in which they were incurred or earned. Identify all ratios, operating statistics and expenses or revenues used. In addition, revenues and expenses should be identified by name and by the account or sub-account codes listed in your chart of accounts.

8. Identify all units of measurement, currencies and conversion factors used in your narrative response, worksheets or other appendices.
9. Identify any source documents maintained in the normal course of business you have relied on in preparing your response, and note the cities where these documents are maintained. Please include this information in an Appendix to your response. This information is used by the Department to prepare for **verification**.
10. Prepare sample printouts of information from each computer file submitted. The sample should contain the first and every fiftieth record (*i.e.*, observations 1, 50, 100, . . . , n) in each file submitted (always submit at least 60 records in the sample). However, if the total records in a file number less than 500, prepare a printout of the entire file.⁷ Submit the printouts with the electronic files (see Appendix II part D).
11. Prepare a single response that contains the information, including financial statements, you are required to report for **affiliates** involved with the production or sale of the products under review during the **period of review** ("POR") in the foreign market or the United States market or both. Include the sales and cost of these affiliates with your sales and cost in the same computer data file(s) and submit a single narrative response. If (a) you are uncertain whether a company is affiliated with you; (b) you do not believe you are able to prepare a response that includes the information of a known affiliate; or (c) you do not believe it is appropriate to prepare a response that includes the information of a known affiliate, contact the official in charge as soon as possible.
12. If you make sales to unaffiliated customers in the United States through an affiliated reseller located in the United States, your sales will generally be classified as **constructed export price** sales. For these sales, the Department deducts from the U.S. resale price to an independent purchaser all selling, distribution, and manufacturing expenses incurred in the United States. The Department also deducts an amount for profit allocable to these expenses. If you are required to respond to the cost-of-production section of this questionnaire, the Department will typically calculate a profit rate based on your reported revenues and expenses. Otherwise, the Department may use information obtained from your financial reports.

If you are not required to respond to the cost-of-production section of the questionnaire, you may voluntarily submit the information necessary to calculate

⁷ While the Department requires only sample printouts, if requested you are obligated to provide a full printout of all submitted data files to any party granted an APO.

a profit rate. Within legislative guidelines, we will use the information if it is practicable to do so and the information can be verified.

13. You must report all sales, including those sales which you believe are outside the **ordinary course of trade**. If you claim that some sales are outside the ordinary course of trade, you should then identify those sales. You must include a complete explanation in your narrative why you consider those sales to be outside the ordinary course of trade.
14. Provide a table of contents and a table of attachments. Assign a number to each attachment and include a descriptive name for each attachment and its number in the table.
15. Please respond to each question. If a particular question does not apply, please state so in your response. Failure to do so could lead to adverse assumptions for that particular question.

For Department use only. This box should be deleted prior to sending the questionnaire to respondents. Include question #16 only in cases where there are consecutive administrative reviews for the particular company to which you are sending this questionnaire.

16. In responding to this questionnaire, please identify any methodological changes you have made from your response in any previous administrative review. Also identify any reporting methodologies that you know to be not in accordance with previous Departmental decisions regarding your company.
17. It is your responsibility to contact the official in charge if subsequent to your filing there are events that affect your response (e.g., changes in your cost accounting system, changes as a result of an audit).